

EXHIBIT D

1 THE HONORABLE RONALD B. LEIGHTON

2
3 IN THE UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON AT TACOMA

5 STORMANS, INCORPORATED, et al.,

Civil Action No. C07-5374

6 Plaintiffs,

7 vs.

8 MARY SELECKY, Secretary of the
9 Washington State Department of Health,
et al.,

**DECLARATION OF BRIDGET
CARNEY**

10 Defendants,

11 and

12 JUDITH BILLINGS, et al.,

13 Intervenors.
14

15 I, Bridget Carney, make the following Declaration under penalty of perjury
16 and pursuant to 28 U.S.C. §1746:

- 17
18 1. I am the System Director of Ethics at PeaceHealth, which is a Washington
19 non-profit corporation that operates four hospitals and multiple physician
20 clinics in the state of Washington. The hospitals are located in Bellingham,
21 Washington (St. Joseph Medical Center), Longview, Washington (St. John
22 Medical Center) and Vancouver, Washington (PeaceHealth Southwest
23 Medical Center, which has two campuses: Main and Memorial). There are
24 also multiple medical clinics operated by PeaceHealth in Whatcom, Cowlitz
25 and Clark counties.
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1 2. The PeaceHealth system serves thousands of patients each year. Through our
2 "Bridge Assistance" program, we provide patients whose income level is at or
3 below 200% of the federal poverty level with free medical care in our hospitals
4 and physician clinics. The same program provides reduced cost care on a
5 sliding scale to patients whose income level is between 200% and 400% of the
6 federal poverty level. This Bridge Assistance program can include providing
7 free or reduced cost prescriptions through our pharmacies. Last year,
8 PeaceHealth provided over \$65 million dollars in charity care to patients in
9 Washington state.
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11 3. Currently, PeaceHealth operates three hospital inpatient pharmacies in the
12 State of Washington. In addition, it operates three outpatient pharmacies in
13 the State of Washington. One of the three outpatient pharmacies, located at
14 the Memorial campus of PeaceHealth Southwest Hospital in Vancouver, is a
15 retail pharmacy that serves the general public. The other two PeaceHealth
16 outpatient pharmacies in Washington are located at PeaceHealth St. John's
17 Medical Center and PeaceHealth Southwest Washington Medical Center. St.
18 John's Medical Center serves PeaceHealth employees and their family
19 members but can serve general members of the community when they have
20 been unable to fill a prescription at other pharmacies in the community who
21 do not stock a needed medication for which they have a prescription.
22 PeaceHealth Southwest is the same but also provides prescriptions for
23 patients being discharged.
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- 1 4. As System Director of Ethics, my responsibilities include oversight of the
2 ethical policies for PeaceHealth. I am knowledgeable and familiar with the
3 intended application of those policies throughout PeaceHealth, including its
4 inpatient, outpatient and retail pharmacies in the State of Washington.
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6 5. PeaceHealth has long had an ethical policy that prohibits the provision of
7 abortion services. PeaceHealth's intended implementation of that policy
8 prohibits the sale of abortion medication at all PeaceHealth's pharmacies,
9 except as discussed below for the State of Washington.
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11 6. As a Catholic health care organization, it is PeaceHealth's intent that its
12 pharmacy operations concerning abortion related medications are conducted
13 in accordance with the Ethical and Religious Directives for Catholic Health
14 Care Services ("Ethical and Religious Directives").¹
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16 7. The Ethical and Religious Directives state, among other things, that "Catholic
17 health care institutions are not to provide abortion services, even based upon
18 the principle of material cooperation." *Id.* at ¶ 45. Further, the Ethical and
19 Religious Directives define abortion as "the termination of pregnancy before
20 viability . . . includ[ing] the interval between conception and implantation."
21 *Id.*

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26 ¹ United States Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic*
27 *Health Care Services, Fifth Edition*, available at <http://www.usccb.org/issues-and-action/human-life-and-dignity/health-care/upload/Ethical-Religious-Directives-Catholic-Health-Care-Services-fifth-edition-2009.pdf>.

1 8. Based on the Ethical and Religious Directives and the Church's
2 understanding of current science regarding the mechanism of action of Plan B
3 and *ella*, it has been PeaceHealth's policy:

4 a. not to stock or dispense abortifacients, including *ella*, in its pharmacies;
5 and

6 b. to allow its inpatient pharmacies to stock and dispense Plan B for use in
7 the emergency room only and then only for provision to sexual assault
8 victims following appropriate testing to ensure that the treatment will not
9 interfere with a fertilized ovum.
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11 9. During the week of December 12, 2011, I personally spoke to pharmacists who
12 are responsible for each of PeaceHealth's pharmacies in Washington State.
13 None of the PeaceHealth retail and outpatient pharmacies currently stock
14 Plan B.
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16 10. During my phone contacts with PeaceHealth pharmacists this week, I did
17 learn that two pharmacies in Vancouver had not been in compliance with
18 PeaceHealth's ethical policy on abortion because they had been stocking Plan
19 B.
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21 11. These two pharmacies, located at PeaceHealth Memorial Hospital and
22 PeaceHealth Southwest Washington Medical Center, only recently became a
23 part of PeaceHealth in the current calendar year. Prior to joining
24 PeaceHealth, they had not been a part of a Catholic health system for many
25 years.
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1 12. In May of 2011, shortly after these two pharmacies had joined PeaceHealth, I
2 provided training to pharmacy managers at Southwest Medical Center and
3 available staff on PeaceHealth's ethical policies, including a discussion of
4 Plan B. I have now personally spoken with the pharmacy manager at
5 Southwest Medical Center who oversees these pharmacies and confirmed
6 that: (1) they have removed Plan B from their inventory and (2) they will no
7 longer provide it.
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9 13. In addition, I learned from my calls this week that the Emergency
10 Department at PeaceHealth St. Joseph Medical Center has been dispensing
11 *ella* instead of Plan B as medication for sexual assault victims. I have spoken
12 with the Chair of the Medical Executive Committee and informed him that
13 *ella* may no longer be used.
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15 I declare under penalty of perjury that the foregoing is true and correct.
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18 Executed on December 16, 2011 by Bridget Carney
19 Bridget Carney
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